

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/694,150 Confirmation No.: 3010  
Applicant : Aspy Keki MEHTA *et al.*  
Filed : October 27, 2003  
TC/A.U. : 1711  
Examiner : Irina Sopjia ZEMEL  
Title : "Expanded Bead Foams from Propylene-Diene Copolymers and Their Use"  
Docket No. : 2003B107  
Customer No. : 23455  
Date : May 13, 2009

MAIL STOP PETITION  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.78 § (a)(3) TO CORRECT AN UNINTENTIONALLY  
DELAYED DOMESTIC PRIORITY CLAIM**

Dear Sir:

This petition to correct an unintentionally delayed domestic priority claim is submitted in support of a response to the Office Action dated December 31, 2008 in a daughter case to the instant application (e.g. USSN 11/416,605).

A previous Petition to correct an unintentionally delayed priority claim was submitted in the daughter case (USSN 11/416,605). However the petition was dismissed (May 1, 2009) due to a lack of copendency. To correct this error, Applicant seeks to correct the priority claim in this parent case, so that the daughter case will have a proper priority claim.

This petition is accompanied by a similar petition for the daughter application (11/416,605).

A petition to accept the priority claim and reference required under 35 USC § 120 and 37 CFR § 1.7(a)(2) made after four months from the filing date or sixteen months from the filing date of the priority application may be accepted if the reference was unintentionally delayed. A petition to accept an unintentionally delayed claim under 35 USC § 120 for the benefit of a prior filed application must be accompanied by: (1) the reference required by 35 USC § 120;

(2) a surcharge payment as set forth in 37 CFR § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR § (a)(2)(ii) and the date the claim was filed was unintentional.

Applicant respectfully submits that the three conditions above have been met. First, the required reference has been amended into the application on page 1 after the title. For the Petitions Office's convenience the newly amended paragraph is reproduced below:

### **PRIORITY CLAIM**

The present application is a continuation in part of USSN 10/406,036, filed April 2, 2003 (now US 6,809,168) which is a continuation-in-part of USSN 09/788,811, filed Feb 20, 2001 (now abandoned), which is a continuation in part of U.S. Ser. No. 09/458,281, filed Dec. 10, 1999 (now abandoned), and is a continuation-in-part of U.S. Ser. No. 09/734,479, filed Dec. 11, 2000 (now abandoned), which is a continuation-in-part of PCT/US00/33612, filed Dec. 11, 2000.

Second, this petition is accompanied by the fee required by 37 CFR § 1.17(t). In the event the fee sheet is separated from this petition, the USPTO is authorized to charge the fee under 37 CFR § 1.17 (t), or any other fee, to deposit account number 05-1712.

Third, Applicant herein states that the entire delay between the date the claim was due under 37 CFR § (a)(2)(ii) and the date the claim was filed was unintentional.

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Accordingly, Applicant has met all three requirements under 37 CFR § 1.78(a)(3) to have the delayed domestic priority claim accepted; and thus, Applicant respectfully requests that the domestic priority claim be accepted.

Respectfully submitted,

Date May 13, 2009

/Catherine L. Bell/  
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